

# EXHIBIT 1

**Ian Weiss**

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**From:** Weinstein, Timothy J. <weinsteint@sullcrom.com>  
**Sent:** Tuesday, December 1, 2020 1:51 PM  
**To:** Sami Rashid; Dan Brockett; Jeremy Andersen; Alexee Conroy; Christopher Seck; Shira Steinberg; mdavidoff@bm.net; mtwersky@bm.net; mdellangelo@bm.net; cenders@bm.net; zcaplan@bm.net; msuter@bm.net; Susan Leo  
**Cc:** Ehrenberg, Stephen; Wagener, William H.; Seidler, David A.; zzExt-Brian.Fitzpatrick; zzExt-Alexander.Bussey; zzExt-Derek.Jackson; zzExt-mfeldberg; zzExt-Todd.Fishman; zzExt-jmasella; zzExt-jmadigan; zzExt-ssilvaarrindell; zzExt-benjamin.fleming; zzExt-kristina.alekseyeva; zzExt-darcy.hansen; zzExt-EunJoo.Hwang  
**Subject:** RE: Gold 14-md-2548

[EXTERNAL EMAIL]

Counsel,

Our November 24, 2020 letter identifies both (i) analyses in the TAC that Defendants cannot replicate (TAC Appendices A and B), and (ii) consistent with our prior correspondence on the issue, missing data and code “relating to . . . analyses in the TAC,” April 30, 2020 letter at 2, including data and code for variations of the TAC analyses that Plaintiffs performed but that Defendants cannot replicate (November 24, 2020 letter, Appendix A). The Court has ordered Plaintiffs to produce both categories of missing data and code. See February 25, 2019 Order (directing Plaintiffs to produce “any reports, conclusions, analyses, datasets, charts, computer programs or code, or any other material created or considered by Plaintiffs’ consultants that tend to prove or disprove the existence of any efforts by Defendants to distort or manipulate the price of gold in relation to the PM Fixing.”) As Defendants have repeatedly explained, and as the Court has recognized, Defendants are entitled to test the assumptions underlying the analyses in the TAC, which Defendants cannot do based on the limited set of data and code produced thus far by Plaintiffs. See *id.* at 5-6 (concluding that it would be unfair to Defendants for Plaintiffs to withhold “information that would tend to undermine key statistical conclusions alleged in [the TAC]”).

Best,  
 Tim

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**From:** Sami Rashid <samirashid@quinnemanuel.com>  
**Sent:** Wednesday, November 25, 2020 3:56 PM  
**To:** Weinstein, Timothy J. <weinsteint@sullcrom.com>; Dan Brockett <danbrockett@quinnemanuel.com>; Jeremy Andersen <jeremyandersen@quinnemanuel.com>; Alexee Conroy <alexeeconroy@quinnemanuel.com>; Christopher Seck <christopherseck@quinnemanuel.com>; Shira Steinberg <shirasteinberg@quinnemanuel.com>; mdavidoff@bm.net; mtwersky@bm.net; mdellangelo@bm.net; cenders@bm.net; zcaplan@bm.net; msuter@bm.net; Susan Leo <sleo@bm.net>  
**Cc:** Ehrenberg, Stephen <EhrenbergS@sullcrom.com>; Wagener, William H. <wagenerw@sullcrom.com>; Seidler, David A. <seidlerd@sullcrom.com>; zzExt-Brian.Fitzpatrick <Brian.Fitzpatrick@AllenOverly.com>; zzExt-Alexander.Bussey <alexander.bussey@allenoverly.com>; zzExt-Derek.Jackson <Derek.Jackson@AllenOverly.com>; zzExt-mfeldberg <mfeldberg@reichmanjorgensen.com>; zzExt-Todd.Fishman <Todd.Fishman@AllenOverly.com>; zzExt-jmasella <jmasella@pbwt.com>; zzExt-jmadigan <jmadigan@pbwt.com>; zzExt-ssilvaarrindell <ssilvaarrindell@pbwt.com>; zzExt-benjamin.fleming <benjamin.fleming@hoganlovells.com>; zzExt-kristina.alekseyeva <kristina.alekseyeva@hoganlovells.com>; zzExt-darcy.hansen <darcy.hansen@hoganlovells.com>; zzExt-EunJoo.Hwang <EunJoo.Hwang@AllenOverly.com>  
**Subject:** [EXTERNAL] RE: Gold 14-md-2548

Counsel,

As you will recall, in response to Defendants' claim that they had "data and code for only four of the approximately 36 analyses described in the TAC," see August 20, 2020 letter at 2, Plaintiffs indicated that they would consider specific requests for data or code that Defendants perceived was "missing," see September 29, 2020 Letter at 2. Given Defendants' assertions that they could not replicate the TAC analyses, the Court ordered the parties to "meet and confer to determine what, if any, underlying datasets, computer programs, code, or other materials Defendants are missing *that is preventing them from replicating the charts and data analyses in the Third Amended Complaint, Dkt. 266.*" Order, Dkt. 454 (emphasis added); Oct. 28 Tr. at 33 ("THE COURT: Are you prepared to tell the plaintiffs which of the analysis it appears in the complaint you cannot replicate? MR. EHRENBURG: Yes, of course."). Following the Court conference, Plaintiffs asked Defendants to identify in writing the 32 analyses for which they believe they are missing data and code.

While we continue to review your recent letter, it appears that the only analyses in the TAC that Defendants now claim they cannot replicate are Appendices A and B to the TAC. See Nov. 24 Ltr. at 2 ("Plaintiffs have not yet produced the underlying programs, data, and source code sufficient for Defendants to replicate the statistical analyses that lie at the heart of the TAC: Appendix A, which purports to list the days on which Defendants allegedly manipulated the PM Gold Fix, and Appendix B"). Please confirm our understanding is correct. If not, please specifically identify the specific "charts and data analyses in the Third Amended Complaint" that Defendants claim they cannot replicate.

Best regards,  
Sami

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**From:** Weinstein, Timothy J. [<mailto:weinsteint@sullcrom.com>]

**Sent:** Tuesday, November 24, 2020 9:18 PM

**To:** Dan Brockett <[danbrockett@quinnemanuel.com](mailto:danbrockett@quinnemanuel.com)>; Sami Rashid <[samirashid@quinnemanuel.com](mailto:samirashid@quinnemanuel.com)>; Jeremy Andersen <[jeremyandersen@quinnemanuel.com](mailto:jeremyandersen@quinnemanuel.com)>; Alexee Conroy <[alexeeconroy@quinnemanuel.com](mailto:alexeeconroy@quinnemanuel.com)>; Christopher Seck <[christopherseck@quinnemanuel.com](mailto:christopherseck@quinnemanuel.com)>; Shira Steinberg <[shirasteinberg@quinnemanuel.com](mailto:shirasteinberg@quinnemanuel.com)>; [mdavidoff@bm.net](mailto:mdavidoff@bm.net); [mtwersky@bm.net](mailto:mtwersky@bm.net); [mdellangelo@bm.net](mailto:mdellangelo@bm.net); [cenders@bm.net](mailto:cenders@bm.net); [zcaplan@bm.net](mailto:zcaplan@bm.net); [msuter@bm.net](mailto:msuter@bm.net); Susan Leo <[sleo@bm.net](mailto:sleo@bm.net)>

**Cc:** Ehrenberg, Stephen <[EhrenbergS@sullcrom.com](mailto:EhrenbergS@sullcrom.com)>; Wagener, William H. <[wagenerw@sullcrom.com](mailto:wagenerw@sullcrom.com)>; Seidler, David A. <[seidlerd@sullcrom.com](mailto:seidlerd@sullcrom.com)>; zzExt-Brian.Fitzpatrick <[Brian.Fitzpatrick@AllenOvery.com](mailto:Brian.Fitzpatrick@AllenOvery.com)>; zzExt-Alexander.Bussey <[alexander.bussey@allenoverly.com](mailto:alexander.bussey@allenoverly.com)>; zzExt-Derek.Jackson <[Derek.Jackson@AllenOvery.com](mailto:Derek.Jackson@AllenOvery.com)>; zzExt-mfeldberg <[mfeldberg@reichmanjorgensen.com](mailto:mfeldberg@reichmanjorgensen.com)>; zzExt-Todd.Fishman <[Todd.Fishman@AllenOvery.com](mailto:Todd.Fishman@AllenOvery.com)>; zzExt-jmasella <[jmasella@pbwt.com](mailto:jmasella@pbwt.com)>; zzExt-jmadigan <[jmadigan@pbwt.com](mailto:jmadigan@pbwt.com)>; zzExt-ssilvaarrindell <[ssilvaarrindell@pbwt.com](mailto:ssilvaarrindell@pbwt.com)>; zzExt-benjamin.fleming <[benjamin.fleming@hoganlovells.com](mailto:benjamin.fleming@hoganlovells.com)>; zzExt-kristina.alekseyeva <[kristina.alekseyeva@hoganlovells.com](mailto:kristina.alekseyeva@hoganlovells.com)>; zzExt-darcy.hansen <[darcy.hansen@hoganlovells.com](mailto:darcy.hansen@hoganlovells.com)>; zzExt-EunJoo.Hwang <[EunJoo.Hwang@AllenOvery.com](mailto:EunJoo.Hwang@AllenOvery.com)>

**Subject:** Gold 14-md-2548

[EXTERNAL EMAIL]

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Counsel,

Please see the attached correspondence.

Best,

Timothy J. Weinstein

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**\*\*This is an external message from: [samirashid@quinnemanuel.com](mailto:samirashid@quinnemanuel.com) \*\***